

Yankee Springs Township

Zoning Board of Appeals

Circulated 11/20/2012

FINAL MINUTES

Approved 3/12/2013

EXHIBIT "A" COOK LETTER

EXHIBIT "B" ATTY. LETTER Tuesday, November 13, 2012

ATTACHED TO THESE MINUTES. / JOL Clerk

Meeting called to order at 7:00 pm by Paul Heystek.

Present: Pat Jansens, Paul Heystek, Gordon Wells, Keith Middlebush and Alt. Chuck Biggs. Cook absent with notice. Alt. Scott Havens, present. Bob Lippert, Zoning Adm., Constable Orr and 15 visitors.

Motion by Wells to approve the September 11, 2012 meeting minutes as presented. Second by Jansens. Approved by all. Motion carried.

Paul Heystek advised on the role of the Zoning Board of Appeals.

New Business:

ZBA 12-08-05; A request by the Yankee Springs Township Planning Commission for an interpretation of Ordinance Sections XVI and XVII as they apply to off-premise signs of a non-conforming nature.

Frank Fiala, spokesman for the Yankee Springs Township Planning Commission reviewed the history of past zoning issues within the Township.

Past zoning issues included: Mobile Homes, Channeling and Funneling, Sewer System and the landfill.

The Township at that time needed to engage in a long range plan and come up with an interim ordinance as well as form a Zoning Board of Appeals and identify an enforcement officer.

Fiala discussed the Master Plan and the M-179 Heritage Route.

Discussion regarding cardinal principles for resolve with attitude being #1.

Fiala advised on the Purpose of the Sign Ordinance.

Discussion whether the ZBA would have the authority to grant a variance on a non-conforming sign, whether it is permissible to change the words or symbols on an existing sign and whether a non-conforming sign can be reassigned if the business has not utilized it for six months.

Chuck Biggs advised that YST really has not developed to its full potential. If you do not make it in the summer, businesses generally do not make it. Signs are important!

Keith Middlebush advised that not every single person that enters the township enters thru that corner.

Pat Jansens advised that signage definitely needs to be located at both ends of the M 179 Corridor as business is important to the area!

Paul Heystek discussed the definition of non-conforming signs.

Recommendation to hold a joint meeting and come up with a plan to go forward with in regard to signage.

Bob Lippert, Zoning Adm. discussed the current sign ordinance in regard to non-conforming signs and advised four (4) separate letters were submitted to Jim Panyrek.

Does the ordinance say explicitly that a sign for a business that is closed must be removed?

Letter dated November 8, 2012, received from Twp. Attorney, John Lohrstorfer in regard to signs located at the corner of M-179 specifically noted as non-conforming signs and sign structures which per the ordinance language an existing sign can be updated but a sign cannot be swapped out for an entirely different one.

Mary Cook who is unable to attend this evening's meeting submitted a letter in regard to the interpretation of the ordinance language in regard to off-premise signs of a non-conforming nature.

Bob Lippert advised that the issue at hand is the removal of a non-conforming sign for a business that is no longer in existence.

Paul Heystek questioned the language in regard to changing the letters and symbols of a sign.

Question regarding the time frame for an individual to come in front of the ZBA.

Public hearing was opened at 8:40 pm.

Greg Purcell, member of the PC discussed the current sign ordinance which is based on regulation. Currently the Township should be also concerned about the economic enhancement to the community. Recommendation to put a moratorium on enforcement of the sign ordinance to allow time to put together a positive plan -- minimum of six month time frame.

Bruce Campbell owner of The Sand Bar discussed the fact that the signs are not owned by the business that is advertising but the property owner and he noted he would love to have a sign on that corner for his restaurant.

Mike Powers, Bay Point Inn discussed the fact that he has tried to rent a sign on that corner for over a year and looks forward to the opportunity. He also advised he would support taking the sign down if and when something is done for the future.

Shannon Vandenberg advised that he supports the six month moratorium to allow for review of the sign ordinance.

Mike Cunningham, member of the PC discussed the fact that this ordinance was not written to cover the current ongoing situation.

Sandy Marcukaitis suggested that if the ZBA cannot make a decision the issue needs to be tabled.

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Mark Englerth discussed outdoor advertising which is not specifically owned by the businesses but by the property owner. Zoning only controls the size, shape, and structure.

Public hearing was closed at 9:10 pm.

Motion by Wells to table ZBA 12-08-05; A request by the Yankee Springs Township Planning Commission for an interpretation of Ordinance Sections XVI and XVII as they apply to off-premise signs of a non-conforming nature. Second by Jansens.

Discussion.

Paul Heystek discussed the sign face, structure. Need to note interpretation of the sign ordinance by what is written. Language is ambiguous.

Michigan Zoning enabling act discusses the overall intent of the ordinance and the purpose.

Motion approved by Jansens, Heystek, Middlebush, Wells and Biggs. Motion carried.

Lippert advised that no further action will be taken against Jim Panyrek at this time.

Old Business: None.

There being no further business the meeting was adjourned at 9:15 pm.

Respectfully submitted,

Katie Hayward
Recording Secretary

(11-14-2012)